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Remarks

The Prior Art Rejections Under 35 U.S.C. § 103

The Examiner has rejected claims 1 – 14, 17, 18, 21 – 29, and 31 – 33 under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 5,334,325 to Chausse ("325") in view of United States Patent No. 5,599,549 to Wivell et al. ("549"). Claims 15, 16, and 30 stand rejected under 35 U.S.C. 103(a) as being unpatentable over '325 and '549 further in view of United States Patent No. 6,333,362 to Lorant ("362"). Claims 19 and 20 stand rejected under 35 U.S.C. 103(a) as being unpatentable over '325, '549, and '362 further in view of United States Patent No. 5,858,343 to Szymczak ("343").

The present claims are directed to a self-foaming cleansing composition. The cleansing composition is in the form of a liquid crystal. See claim 1. As described in the specification of the present invention, it is the orientation of the surfactants in the composition that provides a liquid crystal composition. In other words, the surfactants form the liquid crystal structure.

The Examiner has rejected the present claims as obvious under 35 U.S.C. 103(a) over '325 in view of '549. Applicants respectfully disagree with this rejection. The Examiner acknowledged that the '325 patent does not teach or suggest a liquid crystal composition. The Examiner then relied on the '549 patent for teaching a cleansing composition that includes a dispersion of oil that may be in the form of a liquid crystal. The Examiner then concluded that the present invention is obvious over the combined references. Applicants respectfully disagree. The '549 patent defines "dispersed" as "the oil phase can exist as a separate and distinct phase of fine particles, aggregates, or liquid crystals within the water phase of the compositions of the instant invention" (*emphasis added*). Although the oil phase of the '549 patent may be in the form of a liquid crystal, the composition of the '549 patent itself is not taught or suggested to be in the form of a liquid crystal. Those of ordinary skill in the art will appreciate the fact that if the compositions of the present invention contain an oil phase, the oil is found within the liquid crystalline surfactant phase, not the water phase. As indicated in the specification of the present invention, the liquid crystal structure of the cleansing composition of the present invention is believed to provide improved cleansing properties, such as foaming and spreading on the skin. Furthermore, the liquid

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crystal structure of the cleansing composition of the present invention may provide a smoother feel of the composition on the skin. It is also believed that the liquid crystal structure of the compositions of the present invention provides quicker foaming action. Applicants respectfully submit that the combination of the '325 patent and the '549 patent does not render the present claims obvious. Applicants therefore respectfully request withdrawal of this rejection.

The Examiner has also rejected claims 15, 16, and 30 under 35 U.S.C. 103(a) as being unpatentable over '325 and '549 further in view of the '362 patent, and claims 19 and 20 under 35 U.S.C. 103(a) as being unpatentable over '325, '549, and '362 further in view of the '343 patent. Applicants respectfully submit that neither the '362 patent nor the '343 patent teaches or suggests a cleansing composition in the form of a liquid crystal. Therefore, the references do not make up for the deficiencies in the teachings of the '325 patent and the '549 patent. Applicants therefore respectfully submit that the combination of the references does not render the present claims obvious. Applicants therefore respectfully request withdrawal of these rejections.

Applicants respectfully submit that none of the references cited by the Examiner, nor the combination of the references teaches or suggests the present invention. Accordingly, Applicants respectfully request withdrawal of the rejections under 35 U.S.C. 103(a).

Conclusion

Applicants believe that the foregoing presents a full and complete response to the outstanding Office Action. An early and favorable response is earnestly solicited. If the Examiner feels that a discussion with Applicants' representative would be helpful in resolving the outstanding issues, the Examiner is invited to contact Applicants' representative at the number provided below.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 10-0750/JBP-555/EMH.

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Respectfully submitted,



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